



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/819,033	08/31/2000	RICHARD A. BOOTH JR.	

CONFIRMATION NO. 5666

FORMALITIES LETTER



OC000000006946911

RICHARD A. BOOTH, JR.
4372 NORTH WILDWOOD AVENUE
MILWAUKEE, WI 53211

COPY OF PAPERS
ORIGINALLY FILED

Date Mailed: 10/22/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 690 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 820.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



HH
RICHARD (RIT) BOOTH, P.E.
4372 North Wildwood Avenue
Milwaukee, WI 53211
414-962-2325
ritbooth@alum.mit.edu

#8 sector \$

December 18, 2001

Commissioner for Patents
U. S. Patent and Trademark Office
Washington, D.C. 20231

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Re: Notice to File Missing Parts of a Nonprovisional Application
Application 09/819,033

Dear Sir or Madam,

It was specifically stated in the Notice of Improper CPA Filing dated October 17, 2000 that, *if a petition were not filed*, the CPA filing fee would be refunded (less a \$130 handling fee).

A petition was filed, however, for a Conversion of a CPA to a Patent Application which was granted September 26, 2001. As documented in the enclosed copy of my petition letter of January 6th, 2001, I requested that the \$345 CPA fee paid in August, 2000 not be refunded but rather be applied in full towards the \$355 (small entity) basic filing fee for the conversion. With my letter of January 10th I enclosed a check for the balance of \$10.

The \$10 check was cashed, the petition process proceeded and, as noted above, the petition was granted.

The Commissioner's Decision Dismissing Petition dated May 14th, 2001 directed me to include a \$130 petition fee (which I did) but did not direct me to include a Basic Filing Fee. Further, the Decision Granting Petition, dated September 26, 2001, made no request for additional fees.

Documentation regarding my small entity status was enclosed with my original patent application filed January 22, 1999. A duplicate of the Small Entity Form was enclosed with my response to the Commissioner's Decision Dismissing Petition dated July 1st, 2001.

Based on the aforementioned correspondence, no additional fees for Application 09/819,033 were ever requested, nor do any fees appear to be due.

If, contrary to the directions contained in The Commissioner's Decision Dismissing Petition and the Decision Granting Petition, additional fees are in fact required, a late filing fee or oath or declaration surcharge cannot be assessed.

Sincerely,


Richard Booth



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#8
COPY OF PAPERS
ORIGINALLY FILED

January 6, 2001

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Re: 09/235,192

Duplicate 12/18/01
lit

Dear Sir or Madam,

I am petitioning for a conversion of a CPA to a patent application. The deposit date for the CPA is August 31, 2000. I believe this is a 1.182 petition, i.e. it regards a situation not specifically provided for in the regulations.

My patent application 09/235,192 was filed January 22, 1999. The claims were allowed on June 13, 2000. The Issue Fee was paid on June 27th and the patent was in fact issued September 19th, U.S. Patent No. 6,120,411. I am the inventor, and have chosen not to utilize the services of an attorney in the pursuit of this patent.

Subsequent to payment of the Issue Fee I was advised that my patent rights would be further protected by filing a continuation. I received contradictory information as to whether this was allowed after payment of the Issue Fee.

I contacted the PTO help desk (1-800-PTO-9199) on August 21, 2000 and was told the CPA could be filed any time *before* the Issue Fee *due date*, in this case September 13, 2000. The CPA in question was mailed August 23rd and, as noted above, received a deposit date of August 31, 2000. I received a written notice dated October 17, 2000 - "No Filing Date Granted" - because the CPA was not filed before payment of the issue fee.

I have spoken with Mr. Brian Hearn at the Office of Petitions - Special Program Law. It was Mr. Hearn's recommendation that I file a 182 petition requesting a conversion. I was advised that with a conversion of the CPA application I could receive an application date of August 31, 2000 and have continuity and co-dependency with my prior patent issued on September 19th.

I am enclosing the \$130 petition fee. I am assuming that the \$345 CPA fee paid in August will be applied in full towards the \$355 (small entity) basic filing fee for the conversion. Therefore I am enclosing a check for an additional \$10. If my assumption regarding the fee(s) is incorrect, please contact me before proceeding with the petition.

Sincerely,

Richard Booth